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Docket No.: C01104/70016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin J. Dowling et al.
Serial No: 09/805,590
Confirmation No: 1160
Filed: March 13, 2001
For: LIGHT-EMITTING DIODE BASED PRODUCTS

Examiner: A, Minh D.
Art Unit: 2821

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 17th day of May, 2004.

Denise M. Donahue
Denise M. Donahue

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir/Madam:

In response to the Office Action mailed December 17, 2003, please amend the above-identified application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

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any other reference of record that the teachings of Havel are at all suitable for, or applicable to, Applicants' claimed apparatus.

In sum, the Examiner has failed to meet his burden with respect to each of the three criteria required to establish a *prima facie* case of obviousness. Failure to meet any one of these criteria – a teaching or suggestion of all claim elements, a specific suggestion or motivation to modify the prior art, and a reasonable expectation of success – is sufficient to render such a rejection improper. In the present case, *the Examiner's basis for rejection is deficient with respect to all three criteria*. Accordingly, the rejections must be reversed.

Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Applicants hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
Kevin J. Dowling, et al., Applicants

By 
Jeffrey B. Powers, Reg. No. 45,021
LOWRIE, LANDO & ANASTASI, LLP
One Main Street
Cambridge, Massachusetts 02142
United States of America
Telephone: 617-395-7000
Facsimile: 617-395-7070

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